



January 14, 2005

## HOUSE BILL No. 1159

DIGEST OF HB 1159 (Updated January 13, 2005 11:11 am - DI 107)

**Citations Affected:** IC 12-7; IC 12-10; IC 34-30.

**Synopsis:** Missing endangered seniors. Provides that a law enforcement agency that receives a notification from certain individuals concerning a missing endangered senior must prepare and forward a report concerning the missing endangered senior within five hours to: (1) other law enforcement agencies; (2) the National Crime Information Center; (3) the data and communication system; and (4) broadcasters in the area where the missing abandoned senior may be located. Provides that a law enforcement agency may forward the report to a newspaper. Provides civil immunity to a broadcaster or newspaper that broadcasts or publishes a senior medical alert.

**Effective:** July 1, 2005.

**Ruppel, Walorski, Smith J, Harris T**

January 6, 2005, read first time and referred to Committee on Family, Children and Human Affairs.

January 13, 2005, amended, reported — Do Pass.

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HB 1159—LS 6759/DI 106+





January 14, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## HOUSE BILL No. 1159

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 12-7-2-131.3 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2005]: **Sec. 131.3. "Missing endangered**  
4 **senior", for purposes of IC 12-10-18, means an individual at least**  
5 **sixty-five (65) years of age who is reported missing to a law**  
6 **enforcement agency and is, or is believed to be:**

7 (1) **a temporary or permanent resident of Indiana;**  
8 (2) **at a location that cannot be determined by an individual**  
9 **familiar with the missing individual; and**  
10 (3) **incapable of returning to the individual's residence**  
11 **without assistance.**

12 SECTION 2. IC 12-7-2-174.8 IS ADDED TO THE INDIANA  
13 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
14 [EFFECTIVE JULY 1, 2005]: **Sec. 174.8. "Senior medical alert"**  
15 **means an alert indicating that law enforcement officials are**  
16 **searching for a missing endangered senior.**

17 SECTION 3. IC 12-10-18 IS ADDED TO THE INDIANA CODE

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AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
JULY 1, 2005]:

**Chapter 18. Reports of Missing Endangered Seniors**

**Sec. 1. (a)** A law enforcement agency that receives a notification concerning a missing endangered senior from:

(1) the missing endangered senior's:

(A) guardian;

(B) custodian; or

(C) guardian ad litem; or

(2) an individual who:

(A) provides the missing endangered senior with home health aid services;

(B) possesses a health care power of attorney for the missing endangered senior; or

(C) has proof that the missing endangered senior has a medical condition;

shall prepare a report on the missing endangered senior.

(b) The report described in subsection (a) must include the following:

(1) Relevant information obtained from the notification concerning the missing endangered senior, including the following:

(A) A physical description of the missing endangered senior.

(B) The date, time, and place that the missing endangered senior was last seen.

(C) The missing endangered senior's address.

(2) Information gathered by a preliminary investigation, if one was made.

(3) A statement by the law enforcement officer in charge setting forth that officer's assessment of the case based upon the evidence and information received.

**Sec. 2.** The law enforcement agency shall prepare the report required by section 1 of this chapter as soon as practicable, but not later than five (5) hours after the law enforcement agency receives notification of a missing endangered senior.

**Sec. 3. (a)** Upon completion of the report required by section 1 of this chapter, the law enforcement agency shall immediately forward the contents of the report to:

(1) all law enforcement agencies that have jurisdiction in the location where the missing endangered senior lives and all law enforcement agencies that have jurisdiction in the location

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where the missing endangered senior was last seen;

(2) all law enforcement agencies to which the person who made the notification concerning the missing endangered senior requests the report be sent, if the law enforcement agency determines that the request is reasonable in light of the information received;

(3) all law enforcement agencies that request a copy of the report;

(4) one (1) or more broadcasters that broadcast in an area where the missing endangered senior may be located;

(5) the Indiana data and communication system (IDACS); and

(6) the National Crime Information Center's Missing Person File, if appropriate.

(b) Upon completion of the report required by section 1 of this chapter, a law enforcement agency may forward a copy of the contents of the report to one (1) or more newspapers distributed in an area where the missing endangered senior may be located.

(c) After forwarding the contents of the report to a broadcaster or newspaper under this section, the law enforcement agency shall request that the broadcaster or newspaper may:

(1) notify the public that there is a senior medical alert; and

(2) broadcast or publish:

(A) a description of the missing endangered senior; and

(B) any other relevant information that would assist in locating the missing endangered senior.

Sec. 4. A law enforcement agency shall begin an investigation concerning the missing endangered senior as soon as possible after receiving notification of a missing endangered senior.

Sec. 5. An individual described in section 1(a)(1) or 1(a)(2) of this chapter who notifies a law enforcement agency concerning a missing endangered senior shall notify the law enforcement agency when the missing endangered senior is found.

Sec. 6. (a) A broadcaster or newspaper that notifies the public that there is a senior medical alert and broadcasts or publishes to the public information contained in the report forwarded to the broadcaster or newspaper by a law enforcement agency, including:

(1) a description of the missing endangered senior; and

(2) any other relevant information that would assist in locating the missing endangered senior;

is immune from civil liability for an act or omission related to the broadcast or the publication of the newspaper.

(b) The civil immunity described in subsection (a) does not apply

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1 to an act or omission that constitutes gross negligence or willful,  
2 wanton, or intentional misconduct.

3 SECTION 4. IC 34-30-2-43.3 IS ADDED TO THE INDIANA  
4 CODE AS A NEW SECTION TO READ AS FOLLOWS  
5 [EFFECTIVE JULY 1, 2005]: **Sec. 43.3. IC 12-10-18-5 (Concerning**  
6 **a broadcaster who broadcasts a senior medical alert or a**  
7 **newspaper that publishes a senior medical alert).**

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1159, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Delete pages 2 through 3.

Page 4, delete lines 1 through 3.

Page 4, line 7, delete "has the meaning set forth in" and insert **"means an individual at least sixty-five (65) years of age who is reported missing to a law enforcement agency and is, or is believed to be:**

- (1) a temporary or permanent resident of Indiana;**
- (2) at a location that cannot be determined by an individual familiar with the missing individual; and**
- (3) incapable of returning to the individual's residence without assistance."**

Page 4, delete line 8, begin a new paragraph, and insert:

**"SECTION 2. IC 12-7-2-174.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 174.8. "Senior medical alert" means an alert indicating that law enforcement officials are searching for a missing endangered senior."**

Page 4, line 13, after "1." insert **"(a)"**.

Page 4, line 14, after "senior" insert **"from:**

- (1) the missing endangered senior's:**
  - (A) guardian;**
  - (B) custodian; or**
  - (C) guardian ad litem; or**
- (2) an individual who:**
  - (A) provides the missing endangered senior with home health aid services;**
  - (B) possesses a health care power of attorney for the missing endangered senior; or**
  - (C) has proof that the missing endangered senior has a medical condition;"**

Page 4, line 14, beginning with "shall" begin a new line blocked left.

Page 4, line 15, delete "That report", begin a new paragraph and insert:

**"(b) The report described in subsection (a)".**

Page 4, line 34, after "3." insert **"(a)"**.

Page 5, line 6, delete "the Indiana clearinghouse for information on

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missing" and insert **"one (1) or more broadcasters that broadcast in an area where the missing endangered senior may be located;"**.

Page 5, delete line 7.

Page 5, between lines 10 and 11, begin a new paragraph and insert:

**"(b) Upon completion of the report required by section 1 of this chapter, a law enforcement agency may forward a copy of the contents of the report to one (1) or more newspapers distributed in an area where the missing endangered senior may be located.**

**(c) After forwarding the contents of the report to a broadcaster or newspaper under this section, the law enforcement agency shall request that the broadcaster or newspaper may:**

**(1) notify the public that there is a senior medical alert; and**

**(2) broadcast or publish:**

**(A) a description of the missing endangered senior; and**

**(B) any other relevant information that would assist in locating the missing endangered senior."**

Page 5, line 12, delete "not later than" and insert **"as soon as possible"**.

Page 5, line 13, delete "twenty-four (24) hours".

Page 5, after line 14, begin a new paragraph and insert:

**"Sec. 5. An individual described in section 1(a)(1) or 1(a)(2) of this chapter who notifies a law enforcement agency concerning a missing endangered senior shall notify the law enforcement agency when the missing endangered senior is found.**

**Sec. 6. (a) A broadcaster or newspaper that notifies the public that there is a senior medical alert and broadcasts or publishes to the public information contained in the report forwarded to the broadcaster or newspaper by a law enforcement agency, including:**

**(1) a description of the missing endangered senior; and**

**(2) any other relevant information that would assist in locating the missing endangered senior;**

**is immune from civil liability for an act or omission related to the broadcast or the publication of the newspaper.**

**(b) The civil immunity described in subsection (a) does not apply to an act or omission that constitutes gross negligence or willful, wanton, or intentional misconduct.**

**SECTION 4. IC 34-30-2-43.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 43.3. IC 12-10-18-5 (Concerning a broadcaster who broadcasts a senior medical alert or a newspaper that publishes a senior medical alert)."**

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Renumber all SECTIONS consecutively.  
and when so amended that said bill do pass.

(Reference is to HB 1592 as introduced.)

BUDAK, Chair

Committee Vote: yeas 11, nays 0.

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